

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAMELA FIELDS and TYRONE FIELDS,

Case No. C10-5038 RBL

Plaintiffs,

V.

STATE OF FLORIDA, *et al.*,

**ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
COMPLAINT WITHOUT PREJUDICE**

Defendants.

The Magistrate Judge recommends that this prisoner civil rights claim be dismissed as Plaintiffs' claims directly challenge the propriety of Plaintiff Tyrone Field's arrest, conviction, and current confinement in prison. As detailed in the Report and Recommendation, Plaintiffs sole federal remedy is by writ of habeas corpus. See Butterfield v. Bail, 120 F.3d 1023, 1024 (9th Cir. 1997). The Plaintiffs have not filed objections to the Report and Recommendation.

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The action is DISMISSED WITHOUT PREJUDICE as Plaintiff Tyrone Fileds must receive relief by way of Habeas Corpus prior to the claims accruing.

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

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2 (3) The Clerk is directed to send copies of this Order to Plaintiffs, and to the Hon. J.
Richard Creatura.

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4 DATED this 26th day of April, 2010.

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8 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE